

REMARKS/ARGUMENTS

Claims 12, 17-21 and 25-28 and 30 are pending in this application, with claim 12 being the only independent claim. Claims 12 and 17 have been amended. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 12, 17-21, 25-28, and 30 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2002/0082604 (Abdelgany).

Independent claim 12 is amended to recite that the receiving channel is defined by a groove. Support for this limitation is found at page 5, lines 30-31, and Figs. 2 and 5 of the specification as originally filed. Independent claim 12 is additionally amended to recite that the slots interest the longitudinal axis of the receiving channel.

The Examiner has illustrated in the office action his interpretation of how the embodiment of Fig. 8 in Abdelgany reads on the claimed invention. However, the receiving channel shown by the Examiner in the version of Fig. 8 reproduced in the office action is not defined by a groove. Accordingly, independent claim 12 is not anticipated by Abdelgany.

Applicant acknowledges that both Abdelgany and the present invention are directed to devices which are used to cut bone pieces. However, the similarity ends there. As we have previously stated, the purpose of Abdelgany is to make two transverse cuts across a bone to obtain a bone graft, as shown in Fig. 6 of Abdelgany. In contrast, the goal of the device according to the present invention is to obtain a wedge which is used for displacement osteotomy. Because of these different purposes, the devices of the present invention and Abdelgany exhibit different structures. These differences are reflected in the limitations of independent claim 12. One of the differences is the groove defining the receiving channel as

mentioned above. Another difference is that the slots of the present invention intersect each other and intersect the longitudinal axis of the receiving channel, and “each of said first and second slots is configured so that an extent of each of said first and second slots in a direction of the longitudinal axis of the channel is greater than an extent of the each of the first and second slots in a direction transverse to the longitudinal axis of the channel”. Abdalgany fails to teach or suggest this limitation.

In view of the above amendments and remarks, independent claim 12 is not anticipated by Abdalgany.

Dependent claims 17-21, 25-28, and 30 are allowable for the same reasons as independent claim 12, as well as for the additional recitations contained therein. Dependent claim 17 is amended to be consistent with the amendments to independent claim 12.

Claim 17 further recites “wherein the receiving channels of said first and second mounting parts are each defined by a groove having a V-shaped cross section”. The embodiment of Fig. 8 of Abdalgany fails to disclose, teach or suggest a groove with a V-shaped cross-section. Accordingly, dependent claim 17 is allowable for at least these additional reasons.

Claim 19 recites “wherein each of said first and second mounting parts include guide elements”. The Examiner indicates in the Office Action that the area of arms of the handle 74 proximate pivot point 82 disclose the claimed guide elements. However, the Examiner also indicates, in the version of Fig. 8 reproduced in the office action, that the first mounting part is remote from the guide elements. More specifically, the Examiner shows that the first and second ends of the first mounting part are arranged at one end of the handle, away from the pivot point 82. Thus, even though the handle portions at the pivot point 82 may be considered to be guide elements, they can not be considered to be included on the mounting parts according to the

Examiner's interpretation of the mounting parts. Accordingly, dependent claim 19 is not anticipated by Abdelgany for at least these additional reasons.

Dependent claim 30 recites "wherein said receiving channel is arranged and dimensioned for receiving a bone cylinder of a predetermined thickness and length obtained using a punch sleeve". Fig. 1 of Abdelgany indicates that a bone 18 is received in the device 10. Furthermore, paragraph [0049] of Abdelgany states that the device shown in Fig. 8 also receives a donor bone. Accordingly, Abdelgany is not sized and dimensioned to receive "a bone cylinder of a predetermined thickness and length obtained using a punch sleeve". Accordingly, dependent claim 30 is allowable for at least these additional reasons.

For all of the above reasons, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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